

Town of Rowe – FY2012
Board of Selectmen - Minutes
Wednesday, January 4, 2012 – 7:00pm - Rowe Town Hall

Call to Order: The meeting was called to order at 7:08pm.

Present: Chairman Noel Abbott; Selectmen Paul McLatchy III and Robert Clancy

1/17/12

Certified by: Jennifer Merse Sprague
Rowe Town Clerk

Tax Classification Hearing: Aboard of Assessor Chair Rick Williams (attending via telephone) and Assessor Carrie Silva were present to discuss their recommendation to the Selectboard that they adopt a Minimum Residential Factor (MRF) of 50.9729, resulting in the following tax rates: Residential: \$5.16 / CIP \$11.19. The lowest MRF that could be adopted is 50.0346 resulting in tax rates of \$5.06 and \$11.21. There was lengthy discussion about adopting this MRF. It was stated by a Finance Committee member present that shifting more tax toward the CIP would subject businesses and owners of large equipment to higher taxes. Town Accountant Miller pointed out that a 2 cent difference for CIP versus a 10 cent difference for residents was not equitable; a small 2 cent increase in the CIP for businesses would be offset by a much larger decrease in the real estate taxes for these business owners. Under the 50.9729 MRF all residents (which includes business owners) will overall pay more. The Selectboard voted unanimously 3/0 to accept the Board of Assessors' recommendation and adopted an **MRF of 50.9729**, resulting in tax rates of **Residential \$5.16 and CIP \$11.19**. The Selectboard signed the LA5 document which will be forwarded to the DOR.

WiredWest: Kevin Cahill of WiredWest joined the meeting to discuss the status of their program to bring fiber optic to all households in member towns. Twenty-seven (27) towns have joined WiredWest. Thirteen (13) of these towns have been fully mapped. All Rowe points of service (households, etc.) have been identified, and Rowe mapping will soon be complete. Implementation is scheduled for 2013. A 3rd party is being sought to offer tri-packages to residents (internet/phone/ television). Phone service will be VOIP (Voice-Over-Internet Protocol). The following will be needed for servicing Rowe:

- A location to house a Central Office for equipment (8'x8' room sufficient). Selectman Bob Clancy (a Fire Dept. officer) stated that there was considerable room on the 2nd floor at the Fire Station. Fire officer Dennis May was in the audience and agreed to show the space to Mr. Cahill following his presentation.
- Three or four (3-4) 20 amp circuits for the equipment.
- A backup propane gas generator must be installed that can run 24/7 in the event of power outage.

Mr. Cahill was thanked for his presentation. [Jason Whittet of MBI is attending the next regular meeting on Jan 18th to give an update from MBI.]

MSBA (MA School Building Authority) Application: At the request of the Rowe School Committee, the Board of Selectmen **voted unanimously [three (3) aye and no (0) nay]** to adopt the following resolution:

Resolved: Having convened in an open meeting on JANUARY 4, 2012, the Board of Selectmen of THE TOWN OF ROWE, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest dated DECEMBER 21, 2011 for the ROWE SCHOOL located at 86 POND ROAD, ROWE, MA 01367 which describes and explains the following deficiencies and the priority category(s) for which THE ROWE SCHOOL may be invited to apply to the Massachusetts School Building Authority in the future. PRIORITY 5 -- Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility; and hereby further specifically acknowledges that by submitting this Statement of Interest, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City/Town/Regional School District to filing an application for funding with the Massachusetts School Building Authority.

NFIP (National Flood Insurance Program): Ms. Miller reported that she has corresponded with Rich Zingarelli of the MA DCR. Three steps are needed for the town to participate in the NFIP:

1. Complete application to join NFIP (FEMA Form 81-64...1 page application)
2. BOS adopt resolution
3. Adoption of locally-enforceable measures (bylaws) that meet or exceed the minimum standards of the NFIP. [State Building Code, Wetlands Act, zoning bylaws establishing floodplain district.]

The Selectboard voted unanimously to send a memo to the Planning Board asking that they address #3 above in their current zoning bylaw update project. Ms. Miller will send a memo from the BOS to the PB.

Audit: Audit Committee Chair Walt Quist attended the meeting to bring the recommendation of the Audit Committee that Ms. Josephine Sarnelli of Westfield MA be engaged to perform the financial audit. At the recommendation of the Audit Committee the Selectboard voted unanimously 3/0 to enter into a Consulting Engagement Agreement with Ms. Josephine Sarnelli, CPA of Westfield MA. Following is the Scope of Work:

Scope of Work: Perform an Internal Control Review of Rowe's financial and accounting systems including all relevant departments, town officials, and external vendor relationships. This process will also include:

- a. A review of relevant records and backup documents.
- b. Interviews with staff, present and past town officials, and external vendors.
- c. A review of previous year's records as necessary.
- d. A review of the accounting and financial structures within the town and with external vendors related to efficiency, effectiveness, accuracy, and financial controls.
- e. Meetings with the Board of Selectmen and Audit Committee as required; including presentation of the final report.

Chairman Abbott reported that Ms. Sarnelli believes it will take 2-3 weeks to complete the audit and report her findings. Chairman Abbott will ask Ms. Sarnelli for suggested wording for notification to town employees of the audit. Audit work is to begin in the next few weeks.

Disband Audit Committee?: The question was posed...should the Audit Committee be disbanded at this time. It was agreed that the Audit Committee would remain in place until the audit report is done.

Conflict of Interest: Ms. Miller mentioned that she believed there was a conflict with an Audit Committee member. Marilyn Wilson, one of the three Audit Committee members, was the representative (along with Treasurer's legal counsel) for the town Treasurer during a recent Executive Session held by the Board of Selectmen with the Treasurer. Ms. Miller feels it is a conflict of interest for Ms. Wilson to serve on the Audit Committee because of this.

Tuition Agreement: School Committee Chair Bill Loomis has been regularly attending Mohawk School Committee meetings, and learned at these meetings that this committee is looking into changing the Town of Rowe's tuition agreement with the region. They engaged legal counsel 3-4 months ago to start this process. Mr. Loomis was steered by previous town officials to discuss the matter with David Newell—a previous Business Manager at Mohawk who was instrumental in drawing up the original 1982 agreement whereby Rowe was asked to withdraw from the region, and the 1993 agreement whereby Rowe's rights from the 1982 agreement were codified by the State Legislator in *Chapter 371 of the Acts of 1993*. Chairman Abbott and Mr. Loomis have had in-depth discussions with Mr. Newell concerning the matter. Mr. Newell began to go through his old documents concerning the matter, and discovered that there were inconsistencies in current practices as compared to agreement language—specifically concerning transportation costs and other matters. At Chairman Abbott's request Mr. Newell attended the December 7, 2011, Selectboard meeting to give a synopsis of the Rowe/Mohawk relationship going back to the early 1980's, and specifically discussed the transportation issue.

The Selectmen received a letter dated December 14, 2011, from Robert Aeschback, Chair of the Mohawk Trail Regional School District School Committee, officially inviting the Rowe Selectmen to enter into discussions regarding the possible expansion of the Mohawk Trail Regional School District to include Rowe students in grades 7-12. Mr. Aeschback's letter was discussed at the December 21, 2011 Selectmen's meeting, at which time it was agreed to pursue obtaining legal counsel and consultation in this matter. At that meeting it was determined to respond in writing to the Mohawk School Committee stating that "we are open to discussing this and many related issues at the right time; however, at this stage there are multiple issues between Rowe, Mohawk, and the Mohawk Central Office that need to be resolved." The letter went on to inform them that Rowe "will be obtaining legal counsel and other professional guidance to support us as we engage in this process."

Legal Services: Chairman Abbott presented a proposed Legal Services Agreement between the Town of Rowe and the legal firm of Brody, Hardoon, Perkins & Kesten, LLP, to represent Rowe concerning the matter discussed above (tuition agreement with Mohawk). Specifically attorneys Naomi Stonberg and Lenny Kesten of this firm would represent Rowe. A motion was made and seconded to enter into the Legal Services Agreement with Brody, Hardoon, Perkins & Kesten, LLP, located in Boston MA. Discussion ensued. Selectman McLatchy stated that he would have preferred to meet with the attorneys before voting to engage the firm, but understands the time constraints. The Chairman then called for the vote, and the board voted 2 aye, 0 no, and 1 abstention (Mr. McLatchy) to enter into this agreement. Selectman McLatchy again stated that he does not have a problem with the legal firm selected—he abstained from voting because he would have preferred to have met with the attorneys beforehand. Chairman Abbott apologized for moving quickly on this matter, but felt that since the attorneys came highly recommended by Kopelman and Paige as being the most knowledgeable in the state on the subject matter at hand, he felt comfortable engaging them without bringing them out from Boston to meet the Selectboard beforehand.

Consultant: Chairman Abbott presented a proposed Consulting Contract with Mr. David Newell of Ashfield MA to provide consulting services to Rowe relating to MA public school governance, organization and finance. The Selectboard voted unanimously (3/0) to enter into this contract.

Warrants: The Selectboard voted unanimously (3/0) to approve TW15 and PW14 for payment.

Minutes: The Selectboard voted unanimously (3/0) to accept as submitted the following meeting minutes: December 7, 14 and 21, 2011.

Adjourn: The Selectboard voted unanimously (3/0) to adjourn the meeting at 9:59pm.

Respectfully submitted,
Ellen B. Miller
Town Coordinator

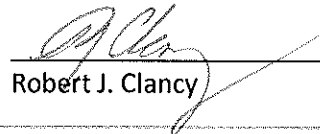
Approved:



Noel R. Abbott, Chairman



Paul McLatchy III



Robert J. Clancy

Jan 12, 2012

Date Approved

Attachments:

- Agenda
- Assessors Recommendation re MRF
- Consulting Engagement Agreement w/CPA Sarnelli
- MSBA Application
- Legal Services Agreement w/Brody, Hardoon, Perkins & Kesten LLP
- Consulting Contract w/David Newell